

CHARLOTTE-MECKLENBURG POLICE



Internal Affairs

2003

Annual Report



Chief of Police Darrel W. Stephens



Charlotte-Mecklenburg Police Department

It is my pleasure to present the 2003 Annual Report of the Internal Affairs Bureau of the Charlotte-Mecklenburg Police Department. While this is the first such annual report, we remain committed to continuing to produce and improve it in the coming years.

The police department is committed to provide the very best service to the Charlotte-Mecklenburg community to inspire and maintain its confidence in us. For those occasions when an employee's actions fail to live up to the high standards expected by the department and the community, the department has a rigorous process to investigate alleged misconduct and hold our employees accountable while seeking fairness and consistency to all parties involved. In addition, the department also investigates all incidents where physical force is used or those in custody are injured, where vehicle pursuits occur, and where vehicle collisions and employee injuries occur.

The following report shares the fundamental mission and values of the department and Internal Affairs, provides information about the investigative process, and summarizes data and information about each investigation category. I hope that you find the information helpful and reassuring of our commitment to high standards of service and integrity.

Sincerely,

Darrel W. Stephens
Chief of Police

Table of Contents

Message from the Chief of Police	Page 1
Table of Contents	Page 2
Inventory of Tables and Charts	Page 4
CMPD and Internal Affairs Mission Statements	Page 6
Introduction to Internal Investigation Systems	Page 7
The Complaint Process	Page 8
Making a Complaint	Page 8
Complaint Investigations	Page 8
The Investigation Process	Page 8
Case Adjudication	Page 9
Disciplinary Action	Page 10
Notifications of Complaint Disposition	Page 11
Other Supervisor Investigations	Page 12
Community Oversight	Page 12
A Look at the Numbers	Page 13
Complaint Investigations	Page 13
Uses of Force	Page 17
Police Vehicle Pursuits	Page 25
Employee Motor Vehicle Collisions	Page 28
Employee Injuries	Page 29
Appendix 1 CMPD Discipline Philosophy	Page 30

Appendix 2 Uses of Force Maps

Page 34

Appendix 3 Tables of Police Vehicle Collision Investigations

Page 41

Inventory of Tables and Charts

Tables

Table 1: <u>Complaint Events Received/Sustained</u>	Page 13
Table 2: <u>Employee/Complaint Comparisons</u>	Page 14
Table 3: <u>Complaints by Arrests and Responses to Citizen Calls for Service</u>	Page 14
Table 4: <u>Alleged Rule of Conduct Violations</u>	Page 15
Table 5: <u>Internal Disposition of Criminal Charges</u>	Page 17
Table 6: <u>District Attorney Disposition of Criminal Charges</u>	Page 17
Table 7: <u>Use of Force Events by Arrests and Citizen Calls for Service</u>	Page 20
Table 8: <u>Race/Ethnicity/Sex of Subject Involved</u>	Page 22
Table 9: <u>Race/Ethnicity/Sex of Officer Involved</u>	Page 23
Table 10: <u>Use of Force Investigations in Violent Crime Hotspot Areas</u>	Page 24
Table 11: <u>2003 Single v. Multiple Officers Involved in Use of Force Events</u>	Page 25
Table 12: <u>CMPD Pursuits</u>	Page 25
Table 13: <u>Collisions by Disposition</u>	Page 28
Table 14: <u>Collisions by Miles Driven</u>	Page 28
Table 15: <u>Injuries by Employee Ratio</u>	Page 29

Charts

Chart 1: <u>Employee/Complaint Comparisons</u>	Page 14
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Chart 2: <u>Department Filed Complaints by Employees Involved</u>	Page 15
Chart 3: <u>Citizen Filed Complaints by Employees Involved</u>	Page 16
Chart 4: <u>Discipline in Complaint Investigations</u>	Page 16
Chart 5: <u>CMPD Use of Force Continuum</u>	Page 18
Chart 6: <u>Use of Force Incidents, Fatalities and Injuries</u>	Page 20
Chart 7: <u>Type of Force Used: Firearm Only</u>	Page 21
Chart 8: <u>Type of Force Used</u>	Page 22
Chart 9: <u>Use of Force Investigations by Patrol Division</u>	
<u>Geographic Area</u>	Page 23
Chart 10: <u>Pursuits by Number of Police Officers Involved</u>	Page 26
Chart 11: <u>2002/2003 Offense Leading to Pursuit</u>	Page 26
Chart 12: <u>Hours Since Crime Occurred</u>	Page 27
Chart 13: <u>Outcome of 2003 Pursuits</u>	Page 27
Chart 14: <u>Division Initiating Pursuit</u>	Page 27
Chart 15: <u>Injuries to Employees</u>	Page 29

Charlotte-Mecklenburg Police Department Mission

The Charlotte-Mecklenburg Police Department will build problem-solving partnerships with our citizens to prevent the next crime and enhance the quality of life throughout our community, always treating people with fairness and respect.

We Value:

- Partnerships
- Open Communication
- Problem-solving
- People
- Our Employees
- Integrity
- Courtesy
- The Constitution Of North Carolina
- The Constitution Of The United States

Charlotte-Mecklenburg Police Department Internal Affairs Bureau Mission

The Internal Affairs Bureau will preserve the public's trust and confidence in the Charlotte-Mecklenburg Police Department by conducting thorough and impartial investigations of alleged employee misconduct, by providing proactive measures to prevent such misconduct, and by always maintaining the highest standards of fairness and respect towards citizens and employees.

I. Introduction

Police employees are expected to diagnose situations they encounter within a few short moments and take the most appropriate course of action. The overwhelming majority of the encounters police officers have with citizens result in the satisfactory resolution of the problem. In the face of danger or great stress, police-citizen encounters become increasingly complex, but even in those situations the majority are resolved without complaint.

Sometimes, citizens believe employees have exceeded their authority, acted inappropriately or have simply not treated them properly. Therefore, it is of critical importance to have a system in place that allows citizens to bring these concerns to the attention of police managers. This system must achieve at least three important objectives:

First, the system must create a sense of confidence on the part of citizens that their complaints will be taken seriously, properly investigated, and correct employee behavior that is not consistent with department values, policies and procedures. An effective system for addressing citizen complaints and concerns provides the police department with important feedback on the quality of services delivered to the community.

Second, the system must also give employees the confidence that complaints will be investigated within a reasonable amount of time and that they will be treated fairly. To do their work effectively, police employees must also know they will be supported when their behavior is consistent with department expectations. Although most complaints are lodged because of the belief the employee's behavior was not appropriate, citizens occasionally use the complaint system as revenge toward the employee or as leverage against criminal charges.

Third, the system must be designed in a way that provides management information to the police department. This information is important in understanding the department's responsiveness to the community. It is also useful in identifying areas where policy, practices and training might be improved.

The Charlotte-Mecklenburg Police Department has established a system to achieve these objectives through the Internal Affairs Bureau, which reports directly to the Chief of Police. Internal Affairs personnel include a major, two captains, seven sergeants, and two clerical personnel. Under the direction of the Chief of Police, Internal Affairs has the responsibility to conduct investigations into complaints of employee misconduct. It is also responsible for monitoring investigations of alleged employee misconduct that are conducted by an employee's supervisor.

The purpose of this Internal Affairs annual report is threefold: First, the report is designed to provide greater insight into the complaint, investigative and disciplinary processes of the police department. Second, the report describes the mechanisms of community oversight that exist in internal investigations and police operations. Finally, it provides an overview of the results of investigations of citizen and police complaints. It also includes supervisory investigations of uses

of force, vehicle pursuits, employee vehicle collisions and employee injuries. It contains information for calendar years 2002 and 2003 to provide a basis for comparison.

II. The Complaint Process

Making a Complaint

Complaints against employees are made by citizens and employees. Citizens may make a complaint in several ways. A complaint may be made in person, or by telephone, mail, email, or through the CMPD Website (www.cmpd.org). Anonymous complaints are also accepted, although this sometimes reduces the ability to gather all relevant facts upon which to make decisions about any given employee's behavior.

Not all complaints require a formal supervisory investigation. There are times when communication between the employee and citizen is not productive or effective, but also is not discourteous. In those cases, a supervisor may simply work with the citizen and employee to resolve the problem. However, a formal investigation is conducted in all cases where an allegation of misconduct, if proven true, would constitute a violation of the department's conduct rules. When the investigation is complete, the employee's commanding supervisors, called a "chain of command" will review all the findings and determine the final outcome.

All complaints are investigated by the Internal Affairs Bureau or by an employee's immediate supervisor. Internal Affairs investigates allegations of misconduct that generally carry more serious consequences for the employee, the department, or community confidence in the police. Immediate supervisors investigate complaints with less serious consequences.

All employees of the police department have the responsibility for ensuring a complaint is properly received. A complaint may be filed at any time. In most cases, non-supervisory personnel refer the complainant to a supervisor or the Watch Commander. They have experience in assessing what alleged behavior may be misconduct and are responsible to ensure an investigation is initiated.

Complaint Investigations

All Internal Affairs investigations and notifications of complaint dispositions must follow guidelines established by state law and department policy.

Investigation Process

When a complaint is received by a supervisor or Internal Affairs staff, it is documented for follow-up. Internal Affairs assigns a complaint number and routes the complaint to the appropriate area for investigation. Considerations for assignment include:

1. If the alleged misconduct is of serious consequence to the employee, department or community confidence in police, Internal Affairs investigates.

2. If the alleged misconduct is of moderate or minor consequence to the employee, department or community confidence in police, a supervisor in the employee's area of assignment will investigate the complaint.
3. On occasion, Internal Affairs is requested by a commander in an employee's chain of command to investigate an allegation of misconduct that would normally be investigated by a supervisor assigned to that employee's unit. Investigative transfers of this type are discussed and reassigned by mutual agreement.

The appropriate supervisor conducts the investigation, which consists of the following components:

1. Completing an interview and obtaining a statement from the complaining party;
2. Completing an interview and obtaining a statement from any relevant witnesses;
3. Obtaining any physical, documentary or photographic evidence;
4. Obtaining any miscellaneous reports or materials relating to the complaint and actions of the employee;
5. Reviewing all statements and evidence prior to interviewing the accused employee, in order to prepare for that interview;
6. Completing an interview of the accused employee; and,
7. Completing a summary of the evidence, the investigation process and synopsis of events surrounding the allegation of misconduct.

When an employee is alleged to have violated a criminal law, two parallel investigations occur: the internal investigation described above and an independent criminal investigation. The internal investigation is handled in the same way, but the criminal investigation is handled by criminal detectives. Their investigation is reviewed by a prosecutor in the District Attorney's Office. The District Attorney determines whether to prosecute the employee or direct additional follow-up investigation to resolve any issues before a decision on prosecution can be made.

Case Adjudication

Once the investigation is complete, it is reviewed by the employee's chain of command for a final decision. To help understand the process, it is useful to have some terms defined.

1. *Finding.* A finding is the outcome that is decided in the investigation.
2. *Chain of Command.* The disciplinary chain of command for an employee is that employee's immediate and commanding supervisors. For most employees of the department, they include a sergeant, captain and major. For other employees, the supervisors would be the non-sworn, or non-officer, supervisors of equal authority.
3. *Peer.* The peer is an employee of the same rank and category of assignment as the accused employee. For instance, if the accused were an officer, the peer would also be an officer. If the accused were a non-sworn employee, the peer would be a non-sworn employee generally from the same unit.
4. *Community Relations Committee (CRC) Representative.* The CRC representative is not affiliated with the police department. The representative provides community involvement in Internal Affairs level chain of command hearings and is a fully participating and deciding member of the board.

Each complaint will receive one of four possible findings:

1. *Sustained*. The investigation disclosed sufficient evidence to prove the allegations made in the complaint.
2. *Not Sustained*. The investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint.
3. *Exonerated*. The acts which provided the basis for the complaint or allegation occurred, but the investigation revealed they were justified, lawful, and proper.
4. *Unfounded*. The investigation conclusively proved that the act or acts alleged did not occur.

The department decides all allegations of misconduct in one of the following manners:

Cases Investigated by Internal Affairs*

1. *Chain of Command Board hearing*. When an investigation reveals a fair probability that an employee engaged in misconduct, Internal Affairs drafts a document that specifies the alleged conduct violations and summarizes the events that support the allegation. Internal Affairs also coordinates a board hearing for that employee. The members of that board include the accused employee's chain of command, a member of the City of Charlotte Community Relations Committee and a peer, if requested by the accused. The members of that board question and hear from the accused and any police employee witnesses necessary to fully understand all facts necessary to make a finding.
2. *Case Review*. When the investigation reveals a less than fair probability the alleged misconduct is sustainable, an accused officer's captain and major or civilian equivalents meet with Internal Affairs staff to review the facts of the case. The employee's commanders will assign a finding of Not Sustained, Exonerated, or Unfounded, or they may recommend a full IA or division-level chain of command hearing on the case.

* *Note*: Internal Affairs does not participate in determining the finding or imposing any discipline in sustained cases.

Cases Investigated by an Employee's Supervisor

1. *The accused employee waives a hearing*. The employee's chain of command reviews the entire case investigation and renders a finding.
2. *The accused employee requests a hearing*. The employee's chain of command convenes a division-level board hearing. They render a finding after questioning and hearing from the employee and any police employee witnesses.
3. *Mandated Hearing*. The employee's chain of command directs a hearing be held to adjudicate the case.

Disciplinary Action

Disciplinary action is administered only when an allegation of misconduct is sustained. After sustaining an allegation, the Chain of Command weighs the department's discipline philosophy

(Appendix 1) as it relates to the accused and event, with the emphasis being to administer fair and consistent discipline. The range of disciplinary actions available includes:

1. Supervisor Counseling;
2. Written Reprimand;
3. Suspension
 - a. Active suspension (employee does not report to work)
 - b. Suspended suspension (suspension time is held in abeyance for a specified period of time pending no further violations which, if sustained, would activate the suspended suspension); or,
4. Recommendation for Termination of Employment.

None of the findings or disciplinary actions prevents a chain of command from requiring that an employee receive additional training, address performance concerns through the performance appraisal process, or obtain assistance through the Employee Assistance Program. Such actions are not disciplinary. These steps are designed to help employees handle their job responsibilities more effectively.

Any discipline for officers through the rank of Major that results in suspension may be appealed by the employee to the Civil Service Board. The Civil Service Board is a City Council appointed citizen oversight board that is the final authority on the discipline for these employees. All recommendations for termination of employment are automatically referred to the Board, as they are the only authority that can terminate the employment of an officer. Non-sworn employees do not have appeal rights to this Board.

Notifications of Complaint Disposition

Citizens filing complaints of misconduct will be notified that their complaint was investigated and action taken by the Department. *However, the results of an investigation, including the findings and any related discipline are not provided to the citizen, except in very limited circumstances.* North Carolina law restricts the release of personnel information relating to performance, promotions, demotions, transfers, suspensions and other disciplinary actions. Because of this law, an investigation into police misconduct is confidential and can be released only under the following circumstances:

1. *Supervisor Request.* A request for review by a person having supervisory authority over an employee;
2. *Court Order.* The Department will release information as directed by a court order.
3. *City Manager Direction.* The City Manager, with concurrence of the City Council, may release specific personnel information about an employee.
4. *Employee Consent.* The employee may waive confidentiality of an internal investigation or its results.

State law does provide for the release of findings only in the following types of citizen filed complaints, as citizens have the right to appeal these case findings to the Citizens Review Board, described in Section III of this report. Those complaint types include:

1. Unbecoming Conduct;
2. Excessive Use of Force;
3. Arrest, Search and Seizure;
4. Discharge of Firearms Involving Personal Injury or Death.

Other Supervisor Investigations

Using the same investigative process outlined above, police department supervisors conduct investigations into all uses of force, vehicle pursuits, police vehicle collisions, and employee injuries.

In vehicle pursuit and use of force cases where evidence suggests a violation of policy, a complaint investigation is completed by Internal Affairs and adjudicated by the employee's chain of command. If no violation occurred, the investigation is completed by the employee's supervisor and the chain of command renders a finding. Internal Affairs reviews the investigation to ensure thoroughness and consistency with department discipline values, and maintains the records.

III. Community Oversight

In addition to the internal investigative process, there are several areas where the community is involved with oversight of police operations. One of the most visible means of police oversight is through the news media. Police department activities are a major focus of the print and electronic news media. The press routinely reports on crime problems and administrative issues they believe are important to bring to the attention of the community.

Another opportunity for community oversight is within the police department's Community Problem-Oriented Policing Philosophy. This philosophy places employees in regular contact with citizens throughout the community who are engaged in partnerships to address crime and safety problems in their neighborhoods. Our policing philosophy includes programs like the Citizens Academy and a volunteer initiative that has over 300 citizens involved in a wide range of activities within the department.

The department routinely involves individuals, associations and other business and civic organizations in its planning processes, training and operations. Examples of this include the development of the department's existing mission and core values statement, its strategic planning process, and participating in the development of crime reduction strategies for communities.

There are also three different organizations, staffed by community citizens that are independent of the police department, that provide oversight into police operations. They are the **Civil Service Board**, the **Community Relations Committee**, and the **Citizens Review Board**. The Civil Service Board is appointed by the City Council and is the final authority on the hiring, promotion, demotion, and termination of employment for all sworn police officers through the rank of Major. The board also hears employee appeals of sustained allegations of misconduct

where the discipline imposed by the department included any type of suspension or termination of employment.

The Community Relations Committee (CRC) participates in all Internal Affairs-level chain of command board hearings involving allegations of misconduct against officers. The CRC representative is a fully involved member of the board and has the opportunity to ask questions of accused employees, witnesses, and Internal Affairs investigators, as well as fully participate in the discussions and decisions of the board, including findings and any discipline. The CRC can also assist citizens in filing a complaint and appealing applicable findings to the Citizens Review Board.

The Citizens Review Board (CRB) is appointed by the City Council and reviews citizen appeals of police department findings in complaint investigations on police officers involving unbecoming conduct, excessive use of force, arrest/search/seizure, and discharges of firearms resulting in personal injury or death. The CRB reviews appeals by a complainant by scheduling a hearing to learn the facts of the case from both the complainant and the Police Department. If the CRB feels that sufficient evidence exists to believe that the Chief of Police abused his discretion in the findings, the CRB schedules a more extensive hearing. If the CRB finds that the Chief abused his authority in his decision, they make a recommendation to the City Manager. The City Manager would discuss the matter with the Chief and make a final decision. If the CRB does not find that the Chief abused his authority through the decision, the appeal process ends. If the CRB process results in a change in the findings or discipline for the officer that results in suspension or termination, that officer may appeal the ruling to the Civil Service Board, which again retains final authority on findings and discipline for officers.

In 2002, citizens appealed 7 cases to the CRB. In 2003, they appealed 3 cases. The CRB did not find evidence that the Chief of Police abused his discretion in how he ruled in any of these cases.

IV. A Look at the Numbers

Complaint Investigations

Table 1 provides information about the number of total complaint events filed by citizens and department employees. It also totals the number of sustained complaints as a portion of the whole in each of these categories. The data indicate that the department generates and sustains a higher rate of complaints of employee misconduct.

Complaints Events Received/Sustained			
	2002	2003	Change
Citizen Complaint Events	171	144	-15.8%
Sustained Portion and % of Total	38 (22%)	39 (27%)	5%
Department Complaint Events	268	237	-11.6%
Sustained Portion and % of Total	215 (80%)	200 (84%)	4%
Total Complaint Events	439	381	-15.2%
Sustained Portion and % of Total	253 (57%)	239 (63%)	6%

Table 1

Complaints received in 2003 are well below the volume of 2002 in both citizen and department filed complaints, but the sustained percentage of complaints reflects an increase in all categories.

Many complaints implicate more than one officer, so disposition totals are higher than the number of complaints filed. Chart 1 indicates that in 2003, 440 officers were involved in misconduct allegations in 381 complaints.

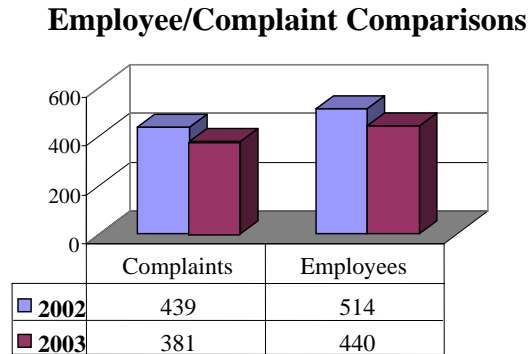


Chart 1

The department also looks at the ratio of employees to complaints. As noted in Table 2, there was a slight decrease in the ratio of employees to complaints.

Employee/Complaint Comparisons		
	2002	2003
Average Number of Employees Listed in Each Complaint	1.17	1.15
Total Allocated CMPD Employees	2,002	2,002
Ratio of Complaints to CMPD Employees	1 in 4.6	1 in 5.3
Ratio of Allegations to CMPD Employees	1 in 3.9	1 in 4.6

Table 2

A decline in citizen complaints, coupled with increases in citizen calls for service and arrests, resulted in an improvement in the ratio of complaints to these variables. As Table 3 indicates, CMPD employees handled an average of 411 additional citizen calls for service without a complaint being filed. Similarly, officers made 32 additional arrests before a complaint was filed in 2003.

Complaints by Arrests and Responses to Citizen Calls for Service				
	2002	Rate	2003	Rate
Citizen Filed Complaints	171		144	
Responses to Citizen Calls for Service	363,848	1 in 2,127.8	365,691	1 in 2,539.5
Total Arrests	26,708	1 in 156.2	27,230	1 in 189.1

Table 3

Of the forty rules of conduct that police employees must adhere to, there are ten categories that account for the overwhelming majority of all complaints: 94% (2002) - 96% (2003). The totals reported in Table 4 reflect the actual number of allegations of each type. At times, a complaint may involve multiple rules of conduct violations, so the totals in Table 4 can exceed total complaints and the total number of employees complained upon.

Alleged Rule of Conduct Violations				
	2002		2003	
	Citizen	Department	Citizen	Department
Violation of Rules (policy) *	13	39	17	71
Unbecoming Conduct **	20	22	12	10
Reporting for Duty		20		13
Absence From Duty		138		89
Neglect of Duty	23	23	23	23
Conformance to Laws	17	18	20	14
Courtesy	59	4	59	7
Use of Force	55	13	47	12
Arrest, Search and Seizure	28		35	5
Use of Departmental Equipment	3	13	1	5

Table 4

* Violations of Rules is a conduct standard that requires all employees to abide by all of the policies and directives of the CMPD. This is used when an employee is alleged to have violated a provision of policy that is not otherwise listed in the Rules of Conduct as a separate standard.

** Unbecoming Conduct is alleged behavior that could undermine the reputation of the department, the employee or public confidence in the department.

Complaint dispositions are totaled based on the number of employees involved, not by the number of complaint events. Some complaint events involve multiple employees, so this method provides a more accurate measurement of how complaints against individual employees are adjudicated. Charts 2 and 3 provide a breakdown of complaint dispositions for department and citizen filed complaints, respectively.

Department Filed Complaints by Employees Involved

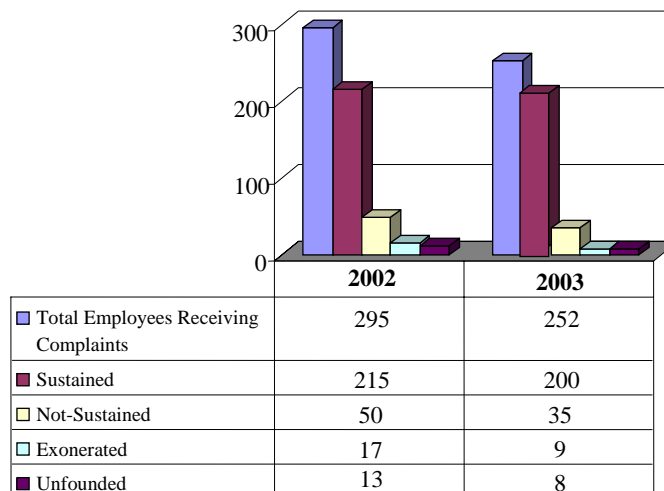


Chart 2

Citizen Filed Complaints by Employees Involved

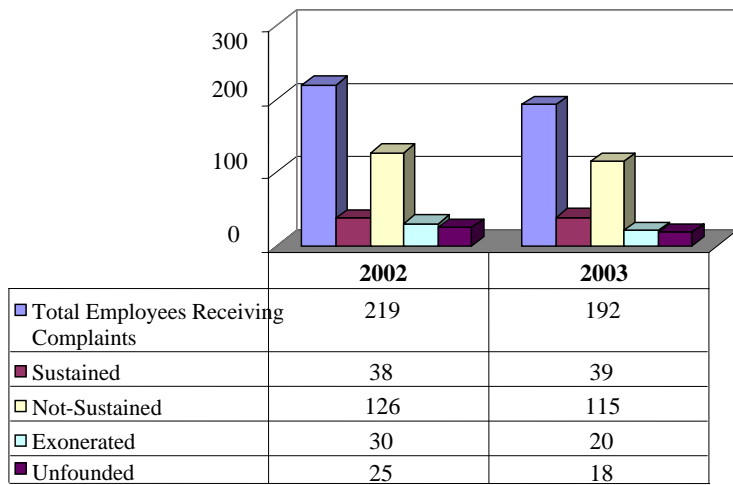


Chart 3

When a complaint is sustained, an employee’s chain of command determines the appropriate discipline. Disciplinary action ranges from supervisory counseling to a recommendation of employment termination. Employees receiving suspensions may receive all or

part of that suspension as an active suspension from duty. Suspensions that are not active are “suspended suspensions,” and they are not activated unless the employee receives another sustained violation within a specified period of time. The department does not have the authority to terminate a police officer’s employment unless the officer is on a probationary status as a recently hired employee. The authority to terminate an officer’s employment rests with the Civil Service Board.

With regard to discipline, Chart 4 indicates that more action was taken than incidents of misconduct alleged. This occurs because supervisory counseling and written reprimands may be administered in addition to suspensions, and because a number of complaints involved multiple officers.

Discipline in Complaint Investigations

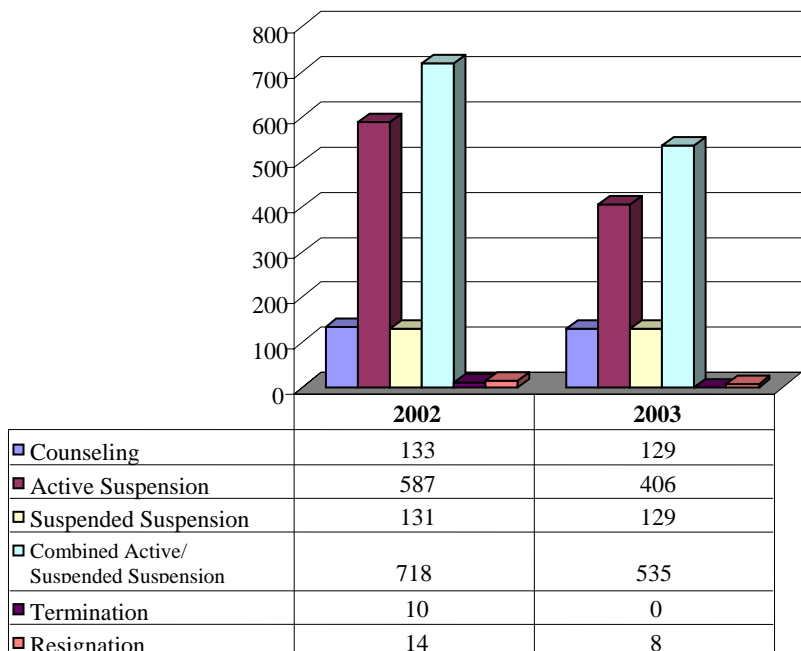


Chart 4

When discipline involving a suspension is imposed, an employee can appeal to the Civil Service Board. Recommendations for employment termination are always heard by the Civil Service Board. In 2002, seven appeals were heard by the Board, with three for suspensions and four recommendations for employment termination. The Board upheld all suspensions and two of the employment terminations, but reinstated two employees to full duty. In 2003, the Board heard only one appeal for employment termination and reinstated the officer. The Civil Service Board altered discipline, either more or less severely, in all but the two terminations of employment.

When employees are alleged to have violated criminal law, the department conducts both a criminal and internal investigation. All criminal cases are presented to the District Attorney by either a CMPD detective or a detective of another agency if the offense occurred outside of Mecklenburg County. Although all allegations of criminal misconduct are included in the figures in Table 1, Table 5 provides specific information about the number of employees charged with a criminal violation,

as well as how many resigned as a result of being criminally charged. Table 5 also shows that the majority of criminal cases are sustained against employees.

Internal Disposition of Criminal Charges					
			Internal Case Disposition		
	Employees Charged	Resigned	Sustained	Not Sustained	Unfounded
2002	11	4	9	1	1
2003	5	1	3	2	

Table 5

In 2002, the District Attorney considered felony charges against 4 employees and misdemeanor charges against 7 employees. In 2003, the District Attorney considered misdemeanor charges against 5 employees. Table 6 provides information about the number of employees charged with criminal misconduct and the disposition from a District Attorney. Most criminal charges in 2002 and 2003 were dismissed, but some employees were found guilty in court.

District Attorney Disposition of Criminal Charges				
		District Attorney Disposition		
	Employees Charged	Dismissed	Guilty	Deferred Prosecution
2002	11	7	4	
2003	5	3	1	1

Table 6

Uses of Force

Police officers are authorized to use force to effect the arrest or detention of an uncooperative person. Because such instances may result in injury for both the officer and citizen, extensive training on policy and practice in use of force situations is provided to help them make good decisions about when and how to apply force. When dialogue alone is insufficient to produce

cooperation from a person, officers have a variety of non-lethal and lethal tactics and weapons to use in these situations. Officers are trained and expected to apply the minimum level of force necessary to ensure compliance from a non-compliant person. However, it is important to understand that the level of force necessary to ensure compliance may escalate or deescalate very quickly in any given situation, and it may begin at any level of force appropriate under the circumstances.

The department conducts supervisor investigations into every incident that qualifies as a police use of force against another person. The majority of these investigations are conducted by the employee’s supervising sergeant and reviewed by that employee’s chain of command. In situations where there are questions about the appropriateness of use of force, Internal Affairs investigates the event. In some cases, Internal Affairs is immediately involved, while in others, a reviewing captain or major may request its involvement after the preliminary investigation is completed.

Complaints of excessive force being used against a person are always investigated by Internal Affairs. We know the use of force by police is a sensitive issue for our community, so we ensure that excessive force complaints – whether brought forward by a citizen or an employee, are thoroughly investigated. These complaints are reviewed by the employee’s chain of command in the same manner as any complaint is adjudicated.

The department also investigates all complaints of injury as a result of police action as use of force inquiries. In many instances, the injuries do not involve the use of force by an officer. In 2002, complaints of injury where no force was used by police accounted for 27 investigations, or 5.9% of all use of force investigations. In 2003, complaints of injury where no force was used by police accounted for 26 investigations, or 5.6% of all use of force investigations. An example would include a situation where the injury is the result of an attempt to run from the police to avoid arrest. That person may fall and be scraped or cut, may sprain an ankle, or may sustain an injury while trying to jump over a fence while fleeing. Because the injury is associated with police intervention, the case is investigated by the employee’s supervisor.

When deciding to use force, an officer must consider several things, including the subject’s level of resistance and the officer’s own abilities. The department developed a “Use of Force Continuum,” shown below as Chart 5, which helps guide officers in making force decisions based on levels of subject resistance. The continuum shows the options an officer has at each level of resistance. Please note that professional presence and verbal interaction are present at every level of resistance.

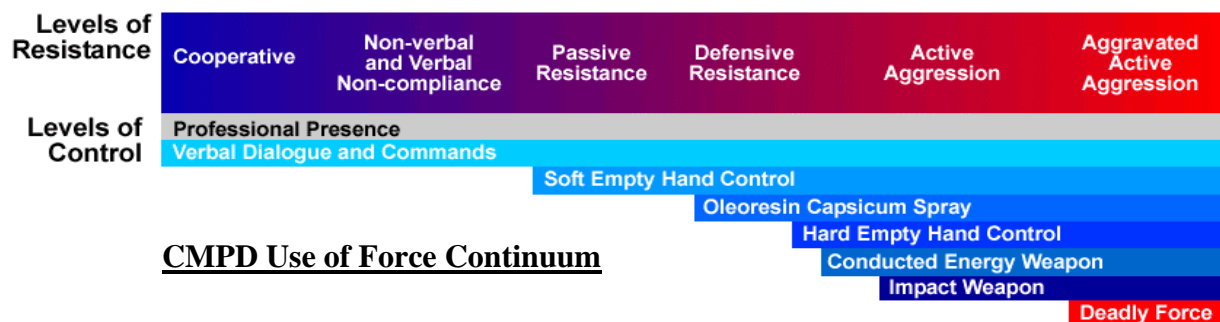


Chart 5

Both State and Federal law require that all force be reasonable. In deciding which level of control an officer should use, the officer should reasonably believe that a lower level of control is insufficient and a higher level of control is not reasonably necessary. The Use of Force Continuum is not designed to be a step by step progression for officers; rather, it is as dynamic as are the situations when force is used. In circumstances where department directives conflict with the continuum, officers are guided by the directives. For example, officers are prohibited from shooting at a moving vehicle unless the officer believes that no other option is reasonably available.

To best understand how and why police officers apply force, it is important to understand the levels of subject resistance. The following list briefly describes each level of resistance:

1. Non-Verbal and Verbal Non-Compliance: The person expresses intentions not to comply through verbal and non-verbal means. A person may plead or threaten physical harm, without acting on the threat. It also includes physical gestures, stances, and subconscious mannerisms.
2. Passive Resistance: The person does not cooperate with officer commands, but does not act to avoid being taken into custody. An example would be a protestor who lies down in front of a doorway and must be carried away.
3. Defensive Resistance: A person that takes action to avoid being taken into custody. Their goal is escape, but not injury to the officer. This may include twisting, pulling, holding onto fixed objects, or running away.
4. Active Aggression: A person intent on injuring the officer or another individual. This aggression may include punching, kicking, biting, or pushing.
5. Aggravated Active Aggression: These actions are likely to result in the death or serious injury to an officer or another person. They may include the discharge of a firearm, use of a blunt or bladed weapon, or extreme physical force.

To counter a person's level of resistance, an officer considers several control options. These levels of control require that the officer's actions be reasonable under the conditions of any situation.

1. Professional Presence: Visual images of authority as well as a professional manner are present to address every level of resistance. This includes all symbols of police authority such as the badge, uniform and marked police vehicle.
2. Verbal Dialogue and Commands: Clear, effective communication can help resolve a potential use of force event. This control level includes verbal requests, directions, or commands from the officer to a person. Verbal dialogue may be present at every level of resistance.
3. Soft Empty Hand Control: These techniques involve only hands, are non-impact oriented, and include pain compliance pressure points, takedowns, joint locks, and simply grabbing onto a person.
4. Oleoresin Capsicum (OC) Spray: OC spray may be used when the officer believes that attempts to control a subject could result in injury to the person or officer.

5. Hard Empty Hand Control: These techniques are impact oriented and include knee strikes, elbow strikes, punches, and kicks. Strikes are used to get a person under control and include strikes to pressure points such as the common peroneal nerve (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck). Defensive strikes are used to protect an officer from attack and may include strikes to other areas of the body including the abdomen or head.
6. Conducted Energy Weapon: The TASER device is used in situations where a person presents a physical threat to an officer, themselves, or another person.
7. Impact Weapon: Non-deadly impact weapon strikes are targeted towards major muscle groups. The common peroneal nerve on the side of the leg is the primary target for impact weapon strikes.
8. Deadly Force: Deadly force is any type of force that is reasonably likely to cause death or serious injury. This includes, but is not limited to the use of a firearm, striking the head or neck area with an impact weapon, or choking.

Table 7 compares use of force events with the total numbers of arrests and citizen calls for service. Events and comparative rates have remained statistically flat.

Use of Force Events by Arrests and Citizen Calls for Service				
	2002	Rate	2003	Rate
Total Use of Force Events	454	N/A	465	N/A
Total Arrests	26,708	1 in 58.8	27,230	1 in 58.6
Citizen Calls for Service	363,848	1 in 801.4	365,691	1 in 786.4

Table 7

In comparing use of force events to fatalities and injuries, fatalities account for only a small fraction of use of force events. The two 2003 uses of force events involving fatalities listed in Chart 6 were ruled justifiable by the District Attorney, and the involved officers complied with relevant CMPD policies. Other injuries to officers and subjects show opposing trends, with officer injuries decreasing and subject injuries increasing. The department records injuries to officers and subjects when they sustain any type of injury, complain of any type of injury, or receive any type of medical treatment at the event site or at a hospital. These numbers include

Use of Force Incidents, Fatalities and Injuries

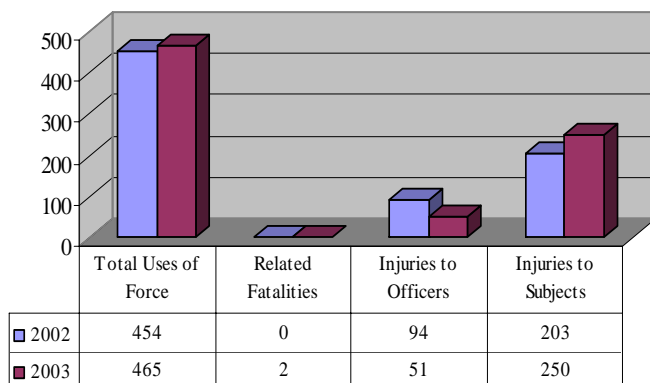


Chart 6

minor bruising or sprains sustained by the individual. Likewise, if a person is sprayed with OC or struck with TASER probes, the department automatically considers that person injured because they receive medical treatment to flush their eyes or remove the TASER probes.

In 2003, the department trained all officers and began

using the TASER conducted energy weapon as a less than lethal force alternative. The TASER fires very small dart-tipped electrical conducting wires into a subject, resulting in temporary and involuntary muscular contractions. TASERs enable officers to control a physically aggressive subject with less risk of being injured themselves. Although TASERs leave no permanent injury or lasting side effects from the electrical current, the small fish-hook like darts puncture the outer skin layers and must be removed by a physician under current policy. For this reason, all people are considered injured when struck by a TASER. In 2003, there were 38 TASER deployments, which account for the majority of the increases in injuries to subjects. For years 2002 and 2003, no person suffered additional injuries associated with the use of the TASER.

The use of OC spray is the single greatest source of injuries to subjects, accounting for 49% of their injuries in 2003. OC Spray creates instant, but temporary irritation of the mucous membranes around the eyes and nose. Officers who use OC spray on subjects are required to provide aftercare immediately following their efforts to handcuff and secure a resisting subject. Aftercare efforts include officers flushing the subject’s eyes with saline solution for several minutes and requesting MEDIC to ensure the subject is stable before transporting for arrest. Combined with TASER related injuries, these two categories of less than lethal force account for 64% of all subject injuries.

In considering different types of force used, Chart 7 shows use of firearms. Although there was an increase of one event in 2003, the chart demonstrates that the vast majority of force from firearms was to euthanize injured animals such as deer and dogs struck by vehicles. They were also used to prevent officer injury from dangerous and aggressive dogs.

Type of Force Used: Firearm Only

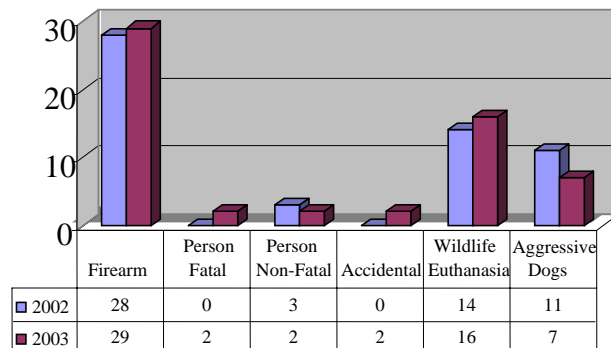


Chart 7

Chart 8 provides details of all force types used. Its totals exceed the number of uses of force because it includes force used by all officers involved.

In many uses of force, multiple officers are involved in applying force. The chart indicates that the most frequent application of force was the use of hands and fists, followed by the use of OC spray, although each of these categories has declined slightly in 2003. Only 10 TASERs were deployed to one patrol division in 2002, as the Department was testing and evaluating the equipment at that time. TASER usage increased sharply as a result of training and deploying TASERs to all officers in September-December of 2003.

Type of Force Used*

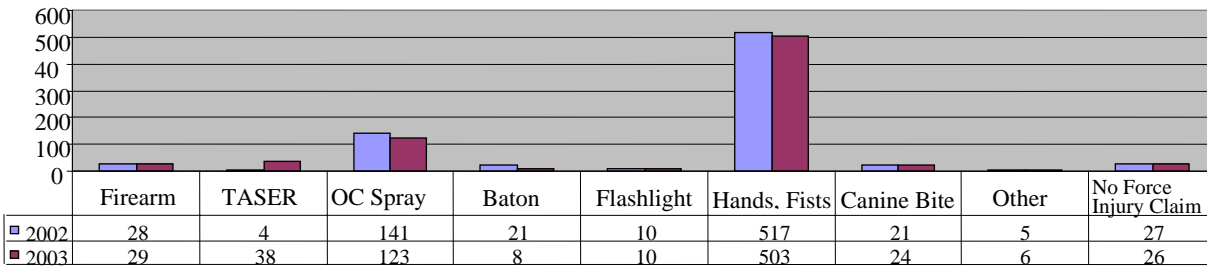


Chart 8

* Note: Use of force totals in Chart 7 are greater than the use of force event totals because in some use of force events, more than one type of force may be used or multiple officers may be involved in using force. For example, an officer may initially use hands, and then use OC spray or TASER before compliance is gained. Likewise, there are times when more than one officer uses force against a subject. Chart 7 accounts for all applications of force by type and all officers using force.

Tables 8 and 9 provide information about the race and sex of subjects and officers involved in uses of force. Removed from the totals in these two tables are data associated with officers euthanizing animals. As a result, the “Total Subjects” and “Total Officers” rows do not match with total uses of force or total officers involved in using force. All animal euthanasia cases were a result of firearms use and are reflected in the total uses of firearms in Chart 7.

Additionally, more than one officer or subject may have been involved in a use of force or complaint of injury event.

Among the subjects involved, the majority are black males. Uses of force against both black males and black females have declined slightly, while uses of force against white males have increased. With officers using force, the large majority are white males. Uses of force by white male officers declined 2.5% in 2003, and the percentage of uses of force by this group exceeds its officer population percentage by 8.8%.

Race/Ethnicity/Sex of Subject Involved					
	2002		2003		% Change in Totals
	Total	% of Total	Total	% of Total	
Black Female	49	10.7%	40	8.6%	-18.4%
Black Male	284	61.7%	277	59.6%	-2.5%
White Female	15	3.3%	11	2.4%	-26.7%
White Male	82	17.8%	98	21.1%	19.5%
Hispanic Female	1	0.2%	1	0.2%	0.0%
Hispanic Male	28	6.1%	29	6.2%	3.6%
Asian Female	0	0.0%	0	0.0%	N/A
Asian Male	0	0.0%	1	0.2%	N/A
Other Female	0	0.0%	0	0.0%	N/A
Other Male	1	0.2%	1	0.2%	0.0%
Total Subjects	460	100.0%	458	100.0%	-0.4%

Table 8

Race/Ethnicity/Sex of Officer Involved							
	Officers Employed		2002 Events		2003 Events		% Change
	Total Officers	% of Total	Total Officers	% of Total	Total Officers	% of Total	
Black Female	51	3.4%	6	0.8%	9	1.2%	50.0%
Black Male	192	12.9%	82	11.1%	90	12.3%	9.8%
White Female	158	10.6%	38	5.1%	22	3.0%	-42.1%
White Male	1038	69.9%	591	79.9%	576	78.7%	-2.5%
Hispanic Female	2	0.1%	0	0.0%	1	0.1%	N/A
Hispanic Male	28	1.9%	17	2.3%	24	3.3%	41.2%
Asian Female	0	0.0%	0	0.0%	0	0.0%	N/A
Asian Male	15	1.0%	2	0.3%	4	0.5%	100.0%
Other Female	0	0.0%	0	0.0%	0	0.0%	N/A
Other Male	2	0.1%	2	0.3%	6	0.8%	200.0%
Unidentified Race/Sex/Ethnicity	0	0.0%	2	0.3%	0	0.0%	-100.0%
Total Officers	1486	100.0%	740	100.0%	732	100.0%	-1.1%

Table 9

The final category of analysis for uses of force by police is a comparative summary of uses of force by patrol division geographic area. Not all uses of force that occur within a patrol division's boundaries are attributable to the staff from that patrol division. Some may be from officers engaged in secondary employment (police moonlighting jobs), or detectives involved in investigations. Dog bites from police canines also qualify as uses of force.

In Chart 9, uses of force occurring in the Independence, Metro and Freedom Divisions account for the largest increases in reported uses of force. A geographic analysis reveals a pattern that is consistent with all divisions, in that the majority of uses of force occur in areas with high concentrations of violent crime. The Independence Division experienced a large drop in force used in 2002, compared with 2001 (23) and 2000 (21), which is comparable with the 2003 totals. In 2003, Metro Division investigated 6 events as uses of force where there was a complaint of injury by a subject, but no force used.

Use of Force Investigations by Patrol Division Geographic Area

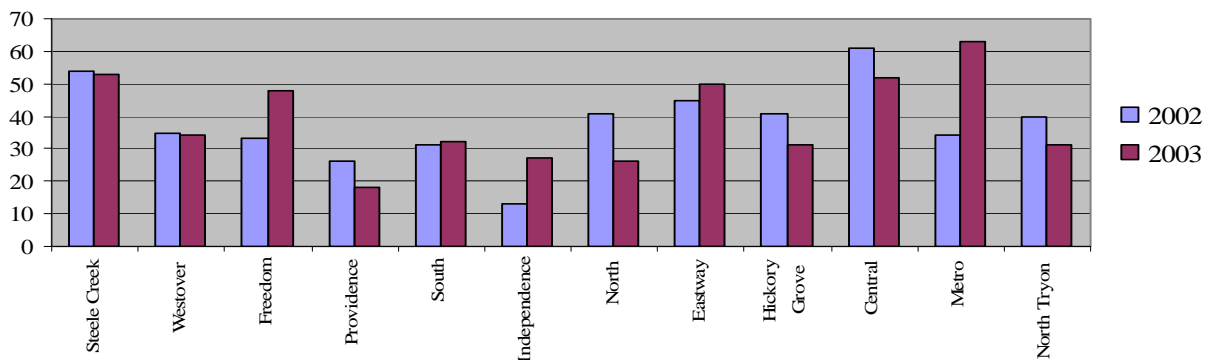


Chart 9

Additionally in 2003, the Metro, Freedom and Independence Divisions each increased its police activity and interventions in violent crime hotspot areas to suppress violent crime. The patterns indicate that most increases in uses of force in the Metro and Freedom Divisions occurred within violent crime hotspots. In the Independence Division, half of the increase occurred in such areas. Among these three districts, Table 10 compares uses of force that occurred in violent crime hotspot areas against the total increase in uses of force in those divisions within those same years.

Use of Force Investigations in Violent Crime Hotspot Areas				
Division	2002	2003	Difference	% of Total UOF Increase
Freedom	14	26	12	80% (12 of 15)
Metro	26	53	27	93% (27 of 29)
Independence	3	10	7	50% (7 of 14)

Table 10

Appendix 2 provides data representations through visual maps, created by the department's Geographic Information System (GIS). The map titled *Comparison of Use of Force and Violent Crime Patterns for Calendar Year 2003* shows that violent crime hotspots comprise only a very small portion of the jurisdictional area policed by the Charlotte-Mecklenburg Police Department. Despite this, these areas were sites of 54.1% of all use of force investigations completed in 2003. The map titled *Comparison of Use of Force and Citizen-Initiated Calls for Service Patterns for Calendar Year 2003* reflects that 59.2% of uses of force occurred within areas with high concentrations of citizen generated requests for police assistance. Similarly, areas where officer generated activities are most prevalent account for 49.8% of the uses of force, as reflected in the map labeled *Comparison of Use of Force and Officer-Initiated CAD Event Patterns for Calendar Year 2003*. Finally, as depicted in the map labeled *Comparison of Use of Force and Arrest Patterns for Calendar Year 2003*, only 35.2% of all 2003 uses of force occurred in arrest hotspots. It is clear from the mapped data that many of these different hotspots closely overlay the violent crime hotspots. However, there is enough distinction between the areas and uses of force within them to learn that the variables most often associated with uses of force are high concentrations of violent crime and citizen calls for service.

As shown in Table 11 and Appendix 2 – *Comparison of Use of Force Incidents Involving a Single Officer and Violent Crime Patterns for Calendar Year 2003*, uses of force occurring in a violent crime hotspot and involving only one officer applying force accounted for 53% of all uses of force with one officer acting alone. In Table 11 and in Appendix 2 – *Comparison of Use of Force Incidents Involving Multiple Officers and Violent Crime Patterns for Calendar Year 2003*, uses of force occurring in a violent crime hotspot and involving multiple officers applying force accounted for 56% of all uses of force with multiple officers applying force. The data from 2002 has a similar pattern. These percentages, coupled with a look at the numbers of single officer and multiple officer use of force events, support the notion that having multiple officers present at an event reduces the likelihood that they will need to use force, regardless of whether they are within a violent crime hot spot.

2003 Single v. Multiple Officers Involved in Use of Force Events		
Involved Officers	Within a Violent Crime Hotspot	Within Mecklenburg County
Single Officer in a Single Use of Force Event	149	281
Multiple Officers Involved in a Single Use of Force Event	103	184

Table 11

While Charlotte-Mecklenburg Police officers are trained to make every effort to ensure that multiple officers are on site when they anticipate a force situation occurring, it is not always possible or practical. Nevertheless, this information can help reinforce training and practices to aid in future reductions in uses of force.

Police Vehicle Pursuits

From time to time, police officers encounter a subject in a motor vehicle that refuses to stop when the blue lights and siren are activated. When police continue to keep pace with the vehicle in their attempts to stop the vehicle, a police pursuit occurs. In a congested metropolitan area, pursuits can be quite dangerous to the uninvolved motoring public, the subjects they pursue and police officers themselves. For this reason, the Charlotte-Mecklenburg Police Department severely restricts pursuits. They are authorized only in situations where “the officer has reasonable suspicion that the suspect has committed or is attempting to commit an offense dangerous to life.” [In 2004, the language was changed to require that a suspect has “committed or is attempting to commit a felony dangerous to life” – before a pursuit is authorized.] Department policy restricts the number of pursuing units as well as prohibits caravanning behind a pursuit or parallel to the pursuit. Each of these activities increases risk to the public, officers and the motoring public.

When a police pursuit occurs, the event is investigated by a patrol division supervisor. When violations of the pursuit policy are suspected for any officer involved in the pursuit, Internal Affairs generally assumes responsibility for the investigation and follows all investigative protocols outlined in the complaint investigation section of this report.

Pursuits are classified as justified, meaning that they are within policy, or unjustified, meaning that they were started or continued in violation of policy. It is possible, however, for a pursuit itself to be justified, but for other policy violations to occur during its course. One example of this would be a situation where a mobile video recorder is not fully activated throughout the course of a pursuit. Another example may be a situation where officers who, without approval of a supervisor, join a justified pursuit. These examples are violations of policy and may occur during a justified pursuit.

Table 12 reflects the total number of pursuits in 2002 and 2003. It also breaks down that total into pursuits that were either justified or not justified. In 2002,

CMPD Pursuits	2002	2003
Pursuits	31	28
Justified Pursuits	24	18
Not Justified Pursuits	7	10
Pursuits w/Policy Violations	16	14
Officers Involved	65	104

Table 12

the number of justified pursuits represented 77.5 % of all 2002 pursuits. In 2003, the number of justified pursuits represented only 64% of the year’s total. Those situations where pursuits were justified, but officers violated a pursuit related policy, declined slightly in 2003.

The increase in involved officers in 2003 resulted from three pursuits. One was a homicide, and the others were an assault with deadly weapon inflicting serious injury and a bank robbery. In these three pursuits, 54 police officers from multiple districts were involved at different points in the pursuits. The pursuit routes covered twenty-four, forty, and three miles respectively. Excluding these unusual pursuit incidents, overall officer involvement is fairly consistent with 2002. Chart 10 provides a more detailed breakdown of the number of officers involved in pursuits in 2002 and 2003.

Pursuits by Number of Police Officers Involved

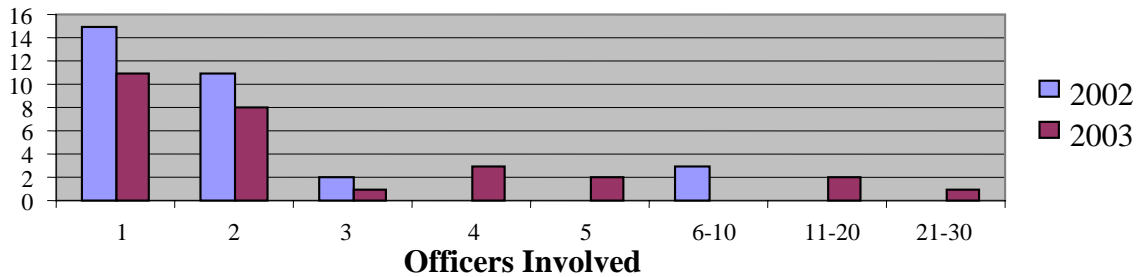
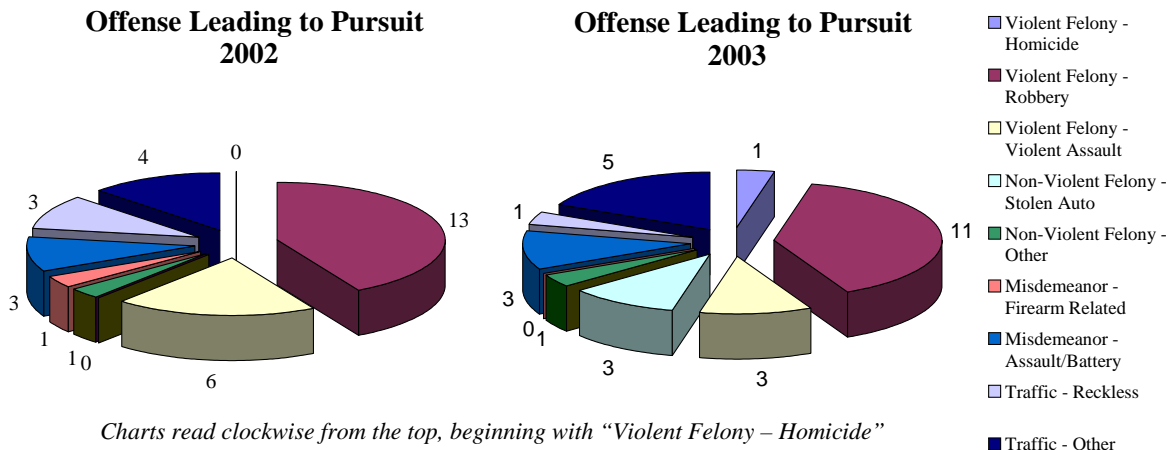


Chart 10

Chart 11 indicates the reasons that pursuits occurred. Of these, the majority are for serious violent offenses or felonies dangerous to life. However, in 2003, 6 were for traffic related offenses and 3 for stolen vehicles. Initiating pursuits for these types of offenses is inconsistent with department policy and accounts for 9 of the 10 unjustified pursuits in 2003. In response to this, Internal Affairs created a workgroup to examine the rise in pursuits in conflict with departmental policy and violations of policy in justified pursuits. The work of that group is underway and it will make recommendations for improvements when they complete their study of this area.

Chart 11



Charts read clockwise from the top, beginning with “Violent Felony – Homicide”

As shown in Chart 12, 75% of all 2003 pursuits occurred within one hour after the offense occurred. One-fourth of pursuits occurred after several hours had passed.

Hours Since Crime Occurred

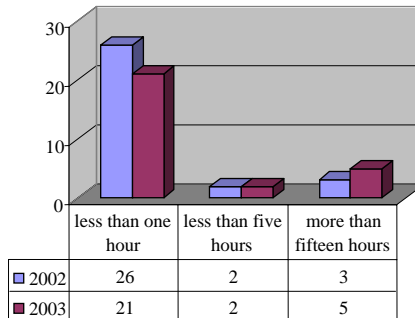


Chart 12

There were a variety of pursuit outcomes, as shown in Chart 13. A single pursuit may have multiple outcomes, such as a suspect vehicle collision and arrest, so the total number of outcomes exceeds the total number of pursuits in each respective year.

Outcome of 2003 Pursuits

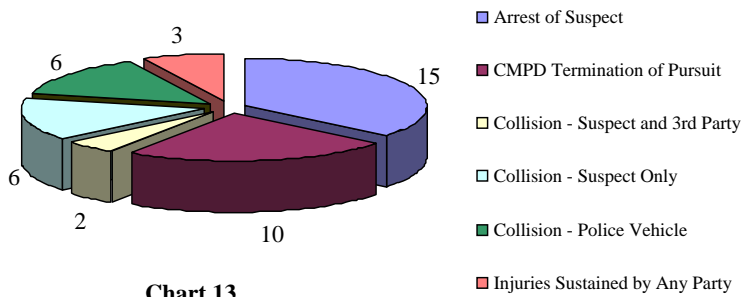


Chart 13

Chart 14 indicates which divisions were involved in pursuits in 2002 and 2003.

Division Initiating Pursuit

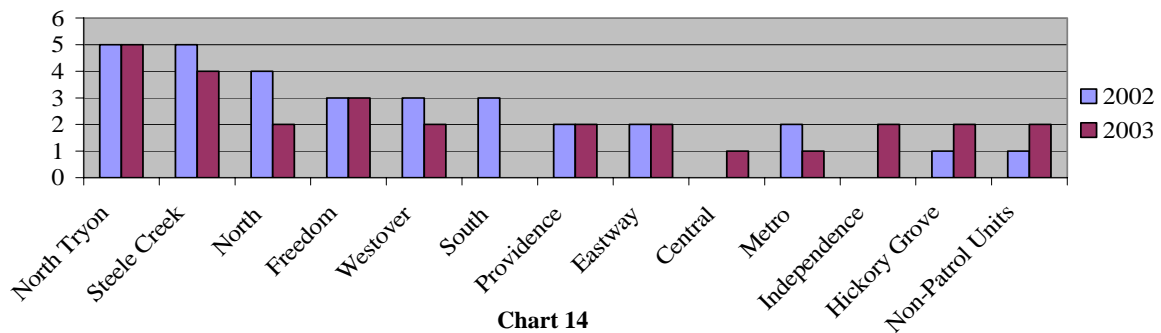


Chart 14

Employee Motor Vehicle Collisions

As one might expect, the nature of policing requires that department employees put an enormous number of miles on vehicles to fulfill their responsibilities. The geographic jurisdiction for the Charlotte-Mecklenburg Police Department is all of Mecklenburg County. Employees drive their vehicles under all types of weather, traffic and emergency conditions. Additionally, the department has over 2,000 employees operating 995 vehicles, with many vehicles being operated 24-hours a day. Department vehicles were driven a total of 15,175,336 miles in 2003, up 9.2% from 2002, when they were driven 13,781,806 miles.

When collisions involving police vehicles occur, an officer and supervisor respond to the collision scene. The responding officer completes a collision investigation in the same manner as is done for any other collision. The supervisor responds to ensure the investigation is conducted in an impartial manner. The supervisor also completes an administrative investigation. Once the supervisor's investigation is complete, the supervisor recommends a finding of *preventable or not preventable*. The supervisor submits the investigation through the employee's chain of command for review and final disposition. An employee may request a division-level review board prior to a chain of command review. This process is handled in the same way as a division-level review board for a complaint, but the outcome can only be that the collision was preventable or not preventable.

Table 13 shows the total number of employee collisions, and the findings of preventable and not preventable. Collisions deemed not preventable account for about 55% of all collisions in both years, and those ruled preventable account for about 45% of all collisions. Overall, there was a 5% reduction in collisions in the year 2003.

Collisions by Disposition		
	2002	2003
Not Preventable	186	174
Preventable	151	146
Total Collisions	337	320

Table 13

Table 14 describes the total miles driven on average for each collision, with its calculations based upon the totals in Collision Table 1. The data indicate a marked improvement in all categories, particularly given the growth in miles driven in 2003.

Collisions by Miles Driven		
	2002	2003
Total Collisions	1 in 40,896 Miles	1 in 47,423 Miles
Not Preventable	1 in 74,095 Miles	1 in 87,215 Miles
Preventable	1 in 91,270 Miles	1 in 103,941 Miles

Table 14

Appendix 3 provides a breakdown of collisions and dispositions by the employee assignment at the time the collision occurred.

Employee Injuries

On-the-job injuries can vary widely, from a bruise, sprain or minor cut, to broken bones, gunshot wounds and death. Employees sustain injuries from motor vehicle collisions, people who assault them, situations involving uses of force during arrests, pursuing suspects on foot, animal bites and a variety of other scenarios.

Supervisors investigate these injuries as they would other incidents requiring a thorough understanding of the facts. When the investigation is complete, the supervisor recommends a finding on the employee's injury as preventable or not preventable, meaning an employee's actions contributed to the injury or the employee could not have prevented the injury from occurring without neglecting his or her duties. The employee's chain of command reviews and finalizes the investigation findings.

Chart 15 shows injuries to employees in the performance of their duties. There was a marked reduction of over 11% or 36 injuries in 2003. Preventable injuries increased by one in 2003, accounting for a 5% increase in that category.

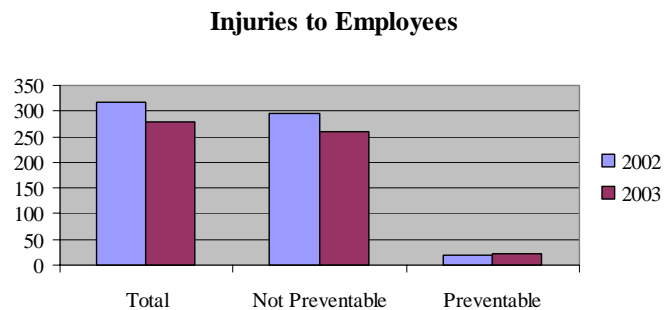


Chart 15

In looking at the ratio of injuries to employees, Table 15 indicates improvements in the overall ratio and the not preventable category ratio. Employee allocations are funded employee positions within the department. Since the actual number of employees varies through any given year, the allocated number is always greater than the actual number of employees and is used for consistency in the table.

Injuries by Employee Ratio		
	2002	2003
Total Employee Allocations	2,002	2,002
Total Injuries	1 in 6.3 Employees	1 in 7.2 Employees
Not Preventable	1 in 6.8 Employees	1 in 7.2 Employees
Preventable	1 in 100.1 Employees	1 in 95.3 Employees

Table 15

DIRECTIVES	Discipline Philosophy	100-004	1 OF 4
Effective Date	4/16/01		



Charlotte-Mecklenburg Police Department

Interactive Directives Guide

Tensions and hostility are a part of policing. Police officers must, as part of their job, issue orders to people, catch them in violation of laws, deprive them of their freedom, and bring charges that may lead to the imposition of severe punishment. Contacts between officers and citizens are often initiated under conditions that are emotionally charged, such as immediately after a fight or other disturbance, or following the commission of a crime. Even the person getting a traffic ticket frequently becomes indignant. However scrupulous the police may be in carrying out their responsibilities, they are bound to incur the wrath of some of those against whom they must proceed. This hostility manifests itself in various forms -- sometimes immediately, by verbal abuse or physical resistance to the police; sometimes later by alleging that the officer's actions were improper or illegal. Under such circumstances an officer must be able to count on support for actions taken in the line of duty. ...the police officer expects and indeed needs some insulation from the community being served. But insulation can serve as a shield for the officer who is not so scrupulous - who in fact acts improperly.

(Herman Goldstein, Policing a Free Society – 1977)

The adversarial nature of policing is one of the key factors noted by Herman Goldstein that complicates the control and review of police actions and behavior. The public grants the police considerable authority to act on its behalf in the effort to create an environment as free of crime, the fear of crime, drug abuse, violence and disorder as possible. Although in almost all encounters with the public, police officers and non-sworn employees use this authority appropriately, there are times when citizens have legitimate questions about how this authority has been used. Unfortunately there are also times when that authority has been abused. Therefore, it is critical that a system of discipline be established that contributes to minimizing abuse of authority and promotes the department's reputation for professionalism.

The most effective disciplinary system is one that combines the reinforcement of the right set of values in all employees with behavioral standards that are established in clear policies, procedures and rules that are consistently and fairly applied. Each employee of the Charlotte-Mecklenburg Police Department must understand and be guided by the standards that have been established in the department policies, rules, regulations and procedures.

Employees of the Charlotte-Mecklenburg Police Department are expected to conduct themselves, both in interactions with each other and with the public, in a manner that conveys respect, honesty, integrity, and dedication to public service. In turn, employees of the department can expect to be treated fairly, honestly and respectfully, by their peers and other employees of the department who hold positions of greater or lesser organizational authority.

DIRECTIVES	Discipline Philosophy	100-004	2 OF 4
Effective Date	4/16/01		

It is recognized and understood that employees of the department will make judgmental errors from time to time in carrying out their responsibilities. (In fact, employees who never make any mistakes may be doing very little to try to improve the performance of the department.) While each error in judgment offers an opportunity for the department and the individual to learn, it is also understood some errors will have greater consequences than others will for the public, the department and the employee. The department has an obligation to make its expectations as clear as possible to employees. The department has an equal obligation to make the consequences for failing to meet those expectations clear. While both of these obligations are difficult to meet, the latter is obviously more complex. There are often circumstances that may have contributed to errors of judgment or poor decisions that need to be considered when determining the appropriate consequences for behavior found improper.

In trying to define fair and consistent treatment in disciplinary matters in the abstract, employees often say they would like the department to give them a list of the prohibited behaviors along with the consequences for engaging in those behaviors. Experience tells us though, when employees are directly involved in the disciplinary process -- either as the subject of the process or in a review capacity to recommend or decide on the consequences -- most want to consider the consequences in light of the circumstances that might have contributed to the violation. This of course is a critical aspect of the application of discipline in a consistent and fair manner. For some employees **consistency** is seen as the same treatment for the same behavior in every case, and it is thought if this is done, the consequences will be **fair** to everyone. For the Charlotte-Mecklenburg Police Department **consistency** is defined as holding everyone equally accountable for unacceptable behavior and **fairness** is understanding the circumstances that contributed to the behavior while applying the consequences in a way that reflects this understanding. In order to ensure that employees are treated in a **consistent** and **fair** manner, the application of consequences for behaviors that are not in keeping with the expectations of the department will be based upon a balanced consideration of several factors.

A number of factors that are considered in the application of discipline are identified and discussed below. All of these factors will not apply in every case. Some factors may not apply to the particular set of circumstances. Also, there may be a tendency to isolate one factor and give it greater importance than another. These factors should generally be thought of as being interactive and having equal weight, unless there are particular circumstances associated with an incident that would give a factor greater or lesser weight. The factors which will be considered in disciplinary matters include:

Employee Motivation. The police department exists to serve the public. One factor in examining an employee's conduct will be whether or not the employee was operating in the public interest. An employee who violates a policy in an effort to accomplish a legitimate police purpose that demonstrates an understanding of the broader public interest inherent in the situation will be given more positive consideration in the determination of consequences than one who was motivated by personal interest. Obviously there will be difficulty from time to time in determining what is in the public interest. For example, would it be acceptable for an employee to knowingly violate an individual's First Amendment right to the freedom of speech to rid the public of what some might call a nuisance? Or is it acceptable as being in the

DIRECTIVES	Discipline Philosophy	100-004	3 OF 4
Effective Date	4/16/01		

public interest to knowingly violate a Fourth Amendment right against an unlawful search to arrest a dangerous criminal? Although it would clearly not be acceptable in either case for an employee to knowingly violate a Constitutional right, these are very complex issues that officers are asked to address. The police have a sworn duty to uphold the Constitution. It is in the **greater public interest** to protect those Constitutional guarantees in carrying out that responsibility even though it might be argued the public interest was being better served in the individual case. But if an employee attempts to devise an innovative, nontraditional solution for a persistent crime or service problem and unintentionally runs afoul of minor procedures; the desire to encourage creativity in our efforts at producing public safety will carry significant weight in dealing with any discipline that might result.

The Degree of Harm. The degree of harm an error causes is also an important aspect in deciding the consequences of an employee's behavior. Harm can be measured in a variety of ways. It can be measured in terms of the monetary cost to the department and community. An error that causes significant damage to a vehicle for example, could be examined in light of the repair costs. Harm can also be measured in terms of the personal injury the error causes such as the consequences of an unnecessary use of force. Another way in which harm can be measured is the impact of the error on public confidence. An employee who engages in criminal behavior – selling drugs for example -- could affect the public confidence in the police if the consequences do not send a clear, unmistakable message that this behavior will not be tolerated.

Employee Experience. The experience of the employee will be taken into consideration as well. A relatively new employee (or a more experienced employee in an unfamiliar assignment) will be given greater consideration when judgmental errors are made. In the same vein, employees who make judgmental errors that would not be expected of one who has a significant amount of experience may expect to receive more serious sanctions.

Intentional/Unintentional Errors. Employees will make errors that could be classified as intentional and unintentional. An **unintentional** error is an action or decision that turns out to be wrong, but at the time it was taken, seemed to be in compliance with policy and the most appropriate course based on the information available. A supervisor for example, might give permission for a vehicle pursuit to continue on the basis the vehicle and occupants met the general description of one involved in an armed robbery. The pursuit ends in a serious accident and it is learned the driver was fleeing because his driver's license was expired. Under these circumstances, the supervisor's decision would be supported because it was within the policy at the time it was made. **Unintentional** errors also include those momentary lapses of judgment or acts of carelessness that result in minimal harm (backing a police cruiser into a pole for example, failing to turn in a report, etc). Employees will be held accountable for these errors but the consequences will be more corrective than punitive unless the same errors persist.

An **intentional** error is an action or a decision that an employee makes that is known (or should be known) to be in conflict with law, policy, procedures or rules at the time it is taken. Generally, intentional errors will be treated more seriously and carry greater consequences. Within the framework of intentional errors there are certain behaviors that are entirely

DIRECTIVES	Discipline Philosophy	100-004	4 OF 4
Effective Date	4/16/01		

inconsistent with the responsibilities of police employees. These include lying, theft, or physical abuse of citizens and other equally serious breaches of the trust placed in members of the policing profession. The nature of the police responsibility requires that police officers be truthful. It is recognized however, that it is sometimes difficult to determine if one is being untruthful. **The department will terminate an employee's employment when it is clear the employee is intentionally engaging in an effort to be untruthful. Every effort will also be made to separate individuals from the department found to have engaged in theft or serious physical abuse of citizens.**

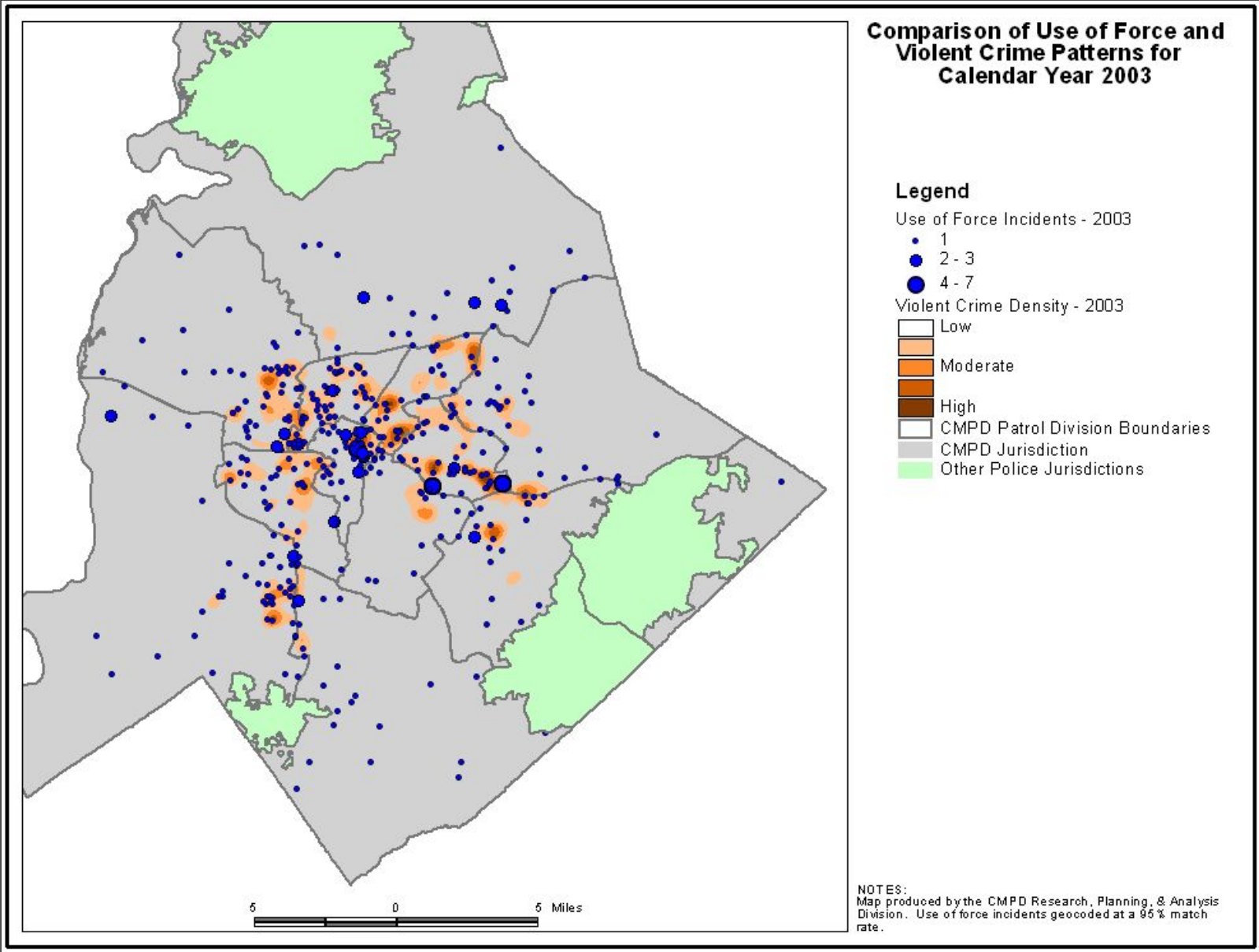
Employee's Past Record. To the extent allowed by law and policy an employee's past record will be taken into consideration in determining the consequences of a failure to meet the department's expectations. An employee that continually makes errors can expect the consequences of this behavior to become progressively more punitive. An employee that has a record of few or no errors can expect less stringent consequences. Also, an employee whose past reflects hard work and dedication to the community and department will be given every consideration in the determination of any disciplinary action.

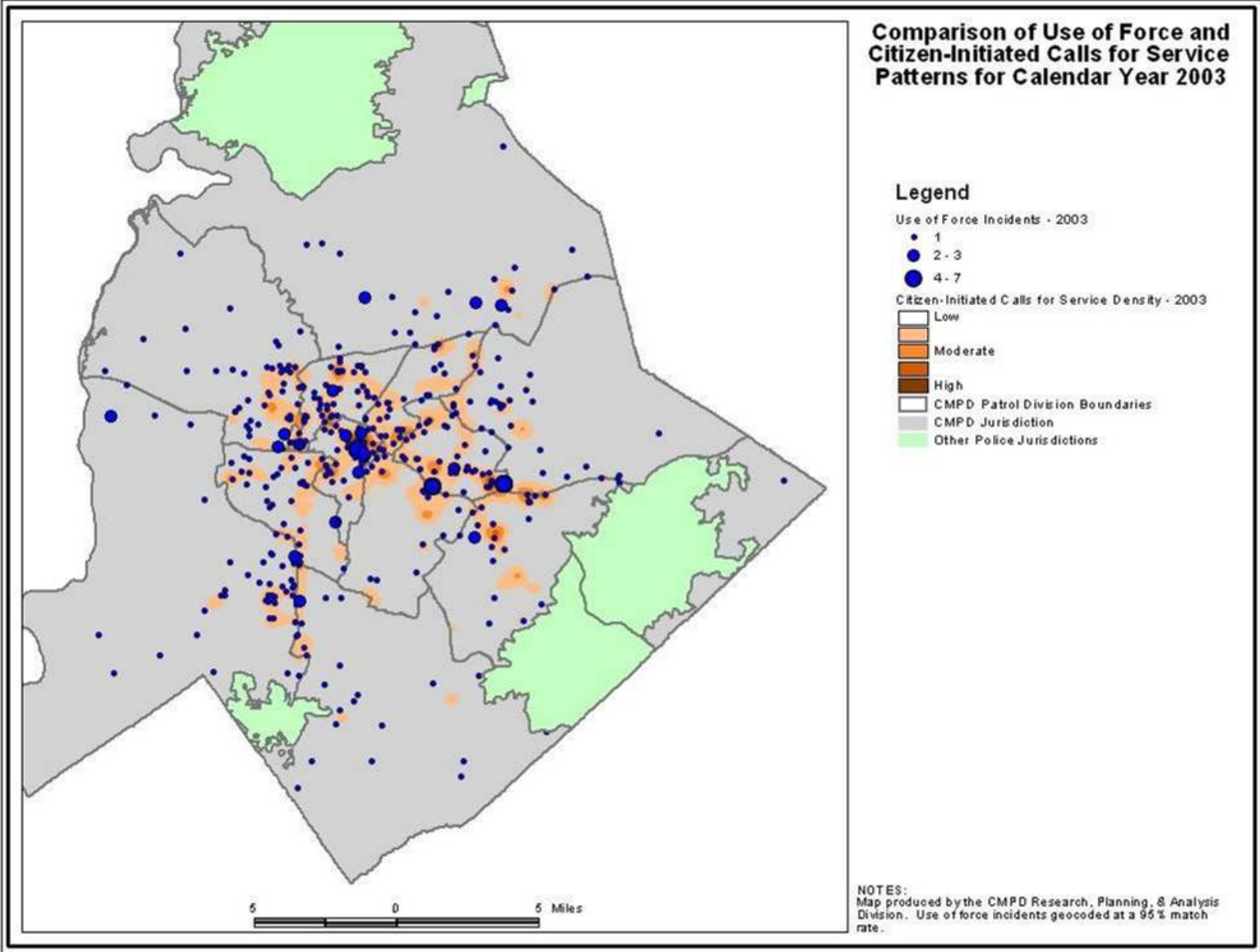
Following the careful consideration of all applicable factors in any disciplinary review, every effort will be made to determine consequences that consistently and fairly fit each specific incident. The rationale for disciplinary decisions will be explained as clearly as possible.

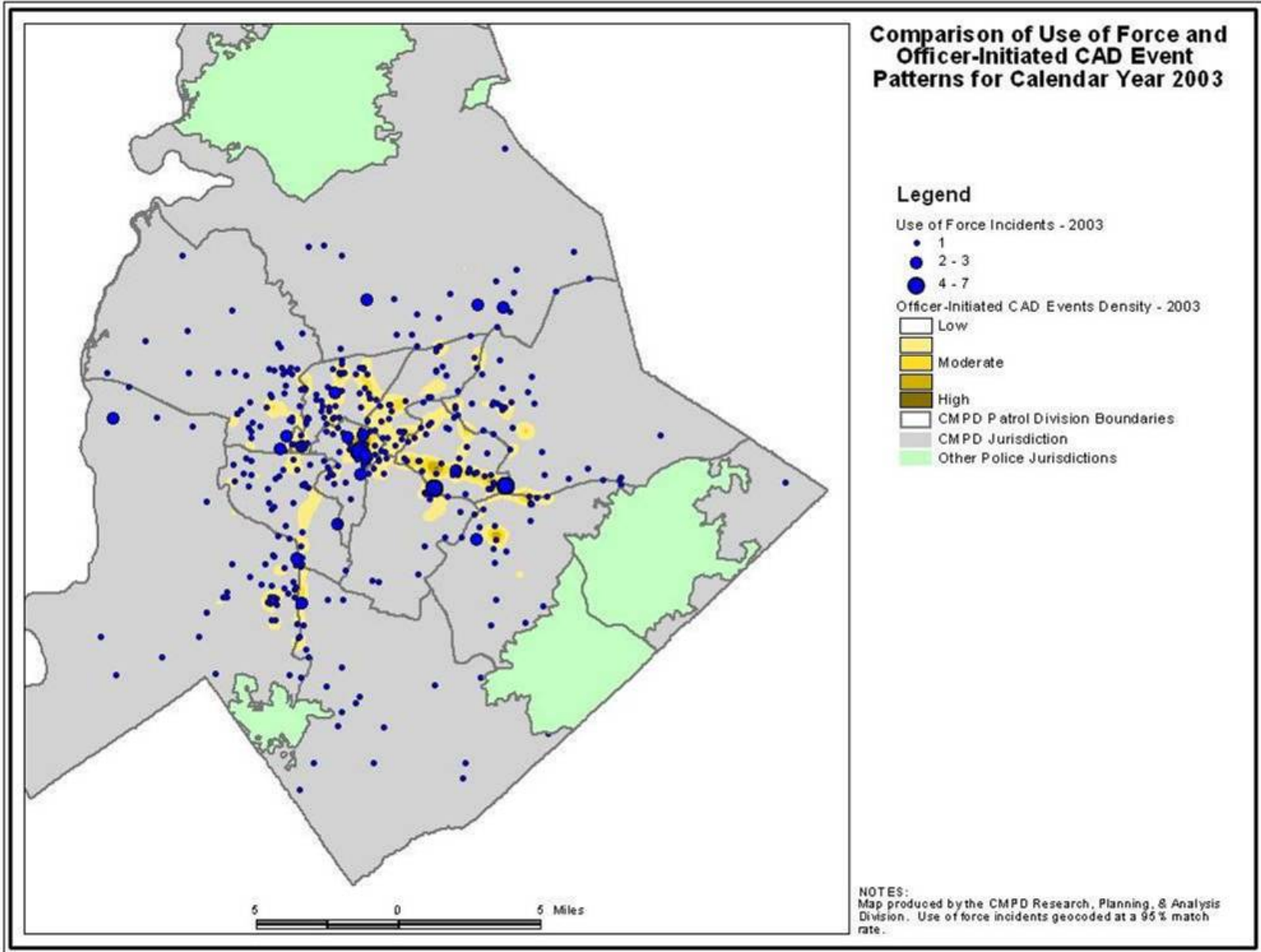
The Charlotte-Mecklenburg Police Department has a well established tradition of serving the community with integrity and in a professional manner. It is among the finest police organizations in this nation. To maintain that tradition and continue improving the quality of service the department provides to the community, each and every employee must accept the responsibility for their role in maintaining integrity, quality and high professional standards.

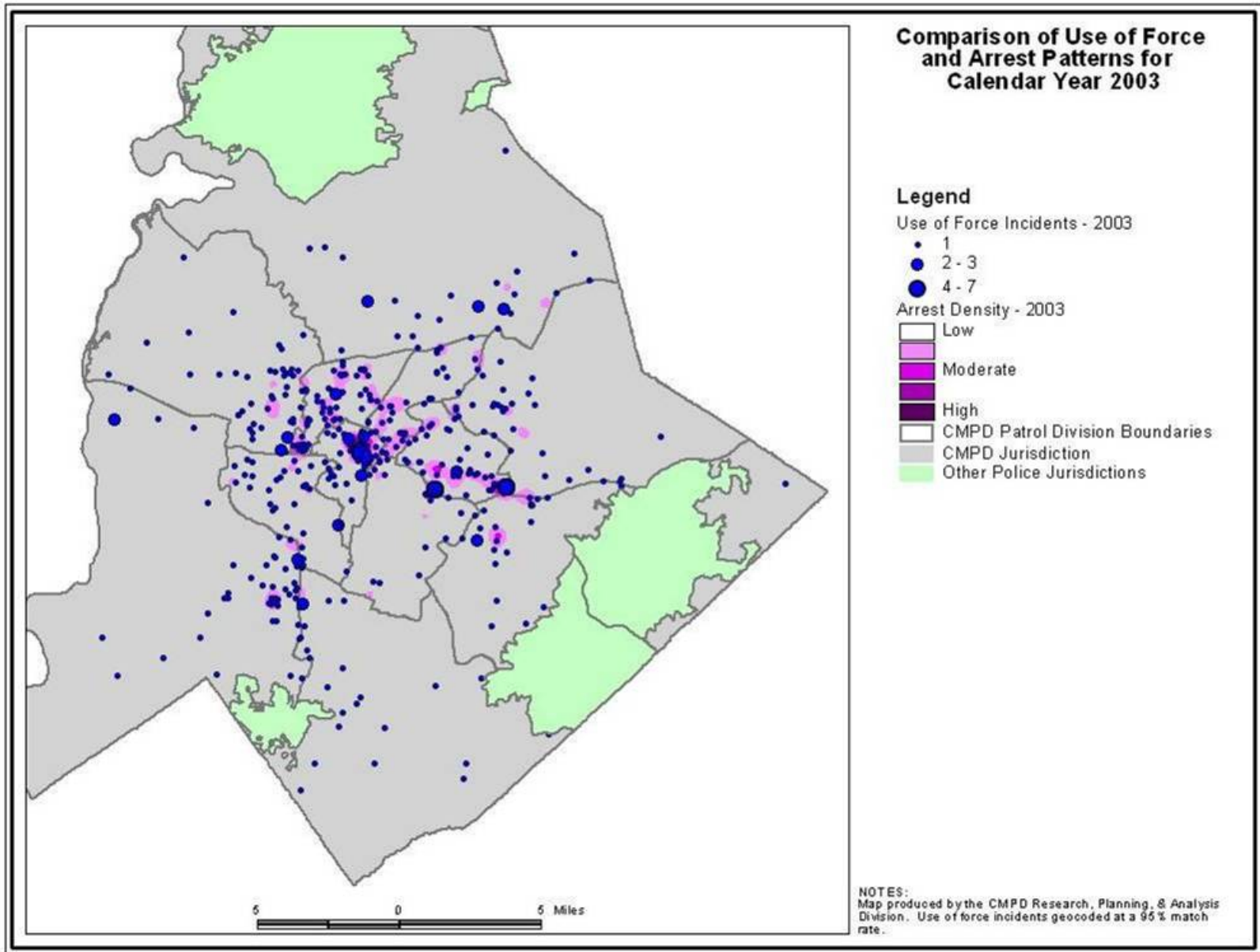
Appendix 2

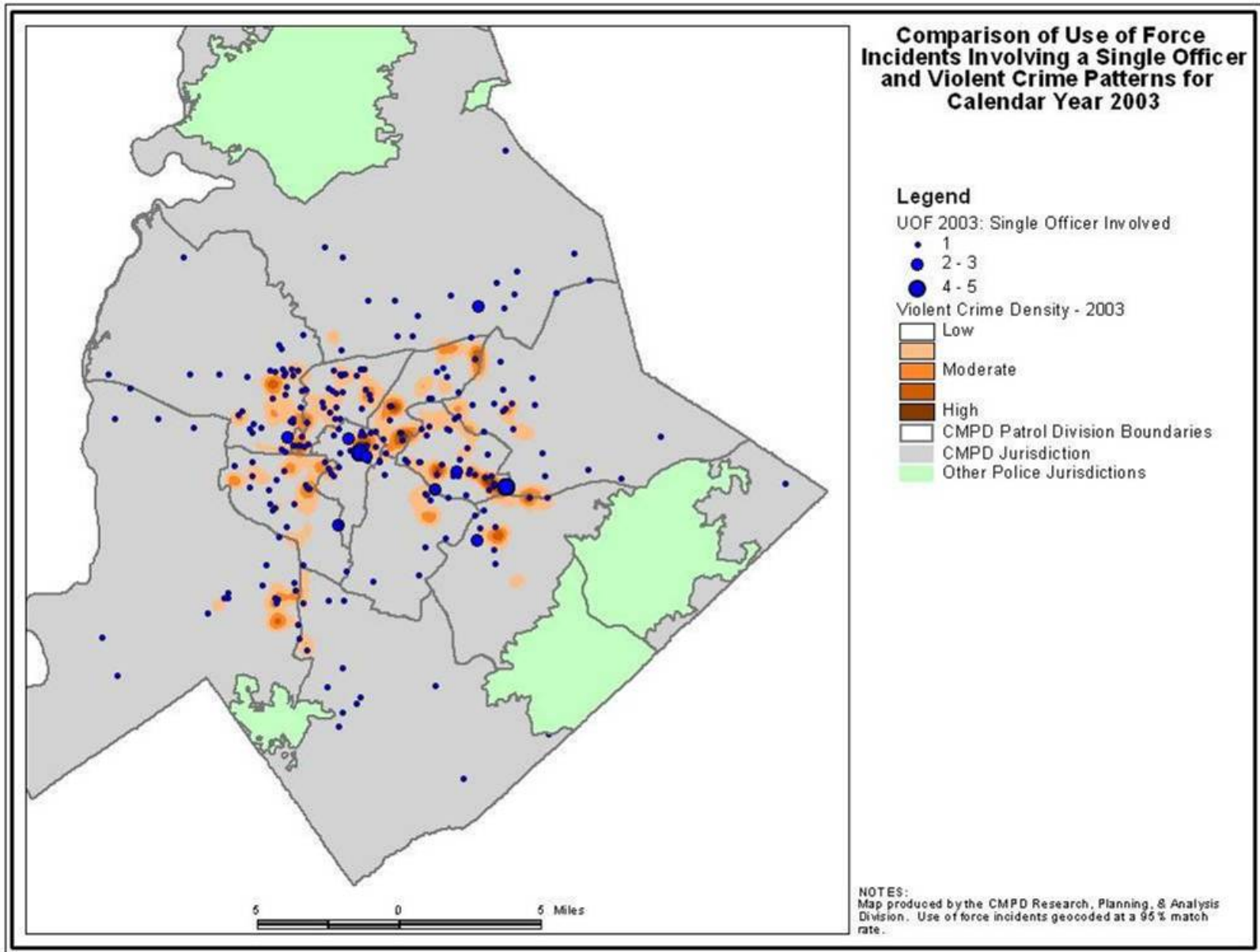
Use of Force Maps

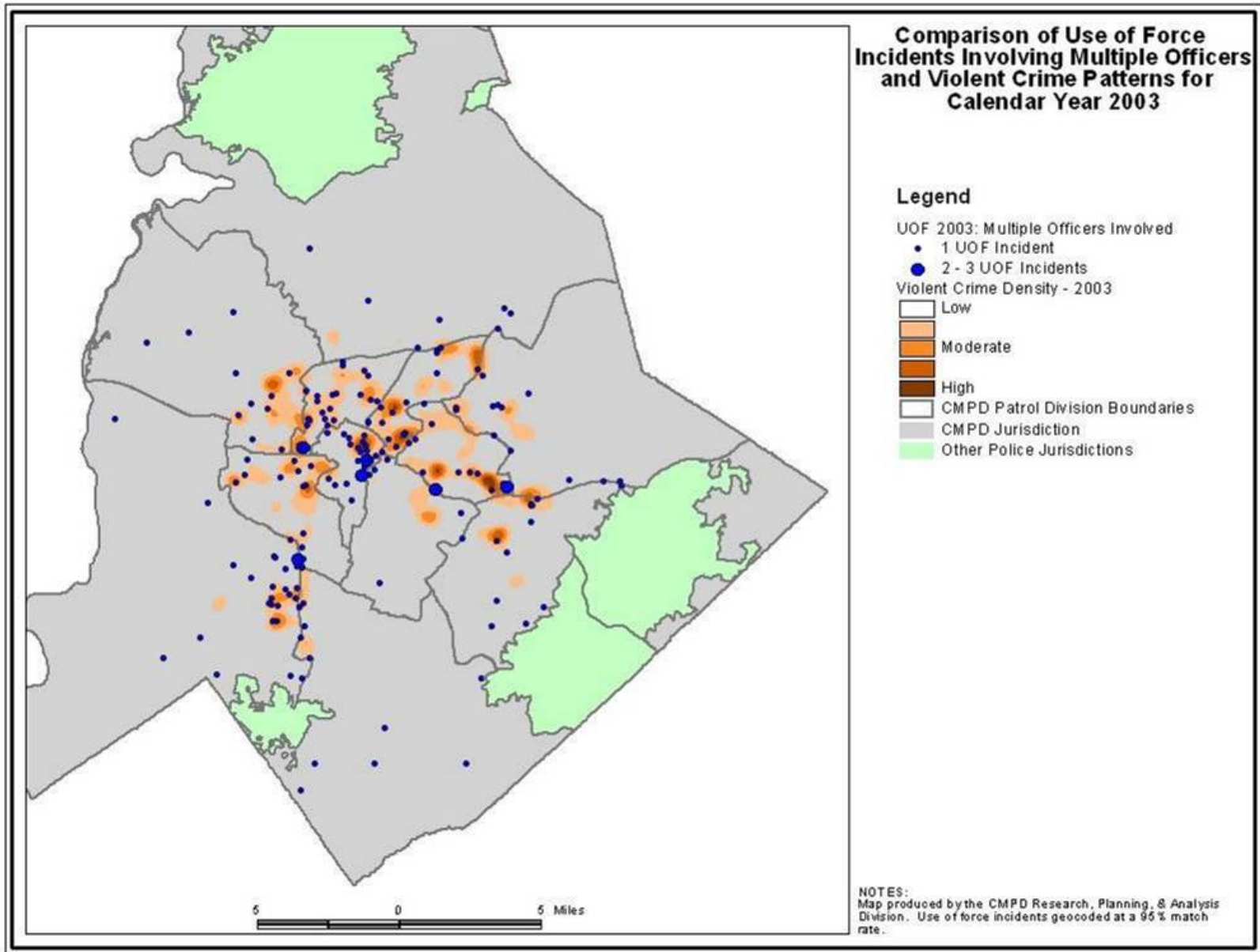












Appendix 3

Police Vehicle Collision Investigations

Employee Collisions and Dispositions				Collisions by Disposition		
		2002	2003		2002	2003
Steele Creek Patrol Division	Not Preventable	18	14	Not Preventable	181	171
	Preventable	12	16	Preventable	151	146
				Inconclusive	5	3
Westover Patrol Division	Not Preventable	11	7	Total Collisions	337	320
	Preventable	9	8			
	Inconclusive		1			
Freedom Patrol Division	Not Preventable	9	12			
	Preventable	9	7			
West Service Area SDI	Not Preventable	0	1			
Providence Patrol Division	Not Preventable	10	9			
	Preventable	4	9			
	Inconclusive	1				
South Patrol Division	Not Preventable	12	7			
	Preventable	10	9			
	Inconclusive	1	1			
Independence Patrol Division	Not Preventable	6	8			
	Preventable	4	12			
	Inconclusive	1				
North Patrol Division	Not Preventable	13	6			
	Preventable	9	12			
Eastway Patrol Division	Not Preventable	14	6			
	Preventable	10	12			
Northeast Patrol Division	Not Preventable	10	9			
	Preventable	12	8			
	Inconclusive	1				
Central Patrol Division	Not Preventable	9	12			
	Preventable	6	13			
Metro Patrol Division	Not Preventable	16	11			
	Preventable	16	6			
	Inconclusive		1			
N. Tryon Patrol Division	Not Preventable	11	9			
	Preventable	8	6			
Southeast Service Area	Preventable	0	1			
Office of the Chief	Not Preventable	1	2			
Investigative Services Group	Not Preventable	12	13			
	Preventable	6	5			
	Inconclusive	1				
Special Investigations Bureau	Not Preventable	12	12			
	Preventable	7	4			
Field Services Group	Not Preventable	1	5			
	Preventable	2	1			
HITS	Not Preventable	2	5			
	Preventable	9	2			
Crime Scene Search	Not Preventable	1	4			

	Preventable	3	4
Animal Control Bureau	Not Preventable	8	7
	Preventable	9	11
Aviation	Not Preventable	0	2
K-9	Not Preventable	3	1
	Preventable	2	0
Support Services	Not Preventable	0	5
	Preventable	3	0
Administrative Division	Not Preventable	2	4
	Preventable	1	0
Total Collisions		337	320